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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

BARAK ASULIN,)	
)	
Plaintiff,)	
)	
v.)	Case No. 2:06-cv-383-RLH-RJJ
)	
ALBERTO GONZALEZ, U.S.)	
Attorney General, et al.,)	
)	
Defendants.)	
_____)	

ORDER ON

DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S COMPLAINT AS MOOT

Federal Defendants, by and through Daniel G. Bogden, United States Attorney for the District of Nevada, and Carlos A. Gonzalez, Assistant United States Attorney, move this Court to dismiss Plaintiff's Complaint for Declaratory and Injunctive Relief and for a Writ in the Nature of Mandamus ("Complaint") (#1).

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1 This Motion is based on the Memorandum of Points and
2 Authorities attached hereto.

3 DATED this 8th day of February, 2007.

4 Respectfully submitted,

5 DANIEL G. BOGDEN
6 United States Attorney

7 /s/ Carlos A. Gonzalez
8 Carlos A. Gonzalez
 Assistant United States
 Attorney

9
10 OF COUNSEL:

11 David L. Peters
12 Dept. of Homeland Security
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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. BACKGROUND**

3 Plaintiff filed his Complaint on March 28, 2006 (#1) and
4 served the United States Attorney's Office ("USAO") by certified
5 mail on March 29, 2006. The USAO forwarded Plaintiff's Complaint
6 to the United States Citizenship and Immigration Services (the
7 "CIS") for review of the Administrative Record and response upon
8 receipt. Because the CIS has completed the relief requested by
9 the Plaintiff, this case should be dismissed as moot.

10 **II. ARGUMENT**

11 The mootness doctrine applies to a complaint for which
12 relief has already been granted. *See Idaho Dept. of Fish & Game*
13 *v. National Marine Fisheries Service*, 56 F.3d 1071, 1074-75 (9th
14 Cir. 1995). A case should be dismissed as moot when "there is no
15 effective relief remaining for a court to provide." *GATX/Airlog*
16 *Co. v. U.S. Dist. Court for Northern Dist. of California*, 192
17 F.3d 1304, 1306 (9th Cir. 1999) (citation omitted). *See also*,
18 *State of Nev., ex rel. Nevada State Bd. of Agriculture v. United*
19 *States*, 699 F.2d 486, 487 (9th Cir. 1983) (following the "general
20 rule that when actions complained of have been completed or
21 terminated, declaratory judgment and injunctive actions are
22 precluded by the doctrine of mootness").

23 The CIS adjudicated Plaintiff's I-485 petition, Application
24 To Register Permanent Residence or Adjust Status, on January 23,
25 2007. See attached Exhibit 1. The relief Plaintiff requested in
26 his Complaint has been granted. Because "there is no effective

1 relief remaining for [this] Court to provide," Plaintiff's
2 Complaint should now be dismissed as moot.

3 **III. CONCLUSION**

4 The CIS having fully performed its duty pursuant to 28
5 U.S.C. § 1361, Plaintiff's Complaint should now be dismissed as
6 moot.

7 DATED this 8th day of February, 2007.

8 Respectfully submitted,

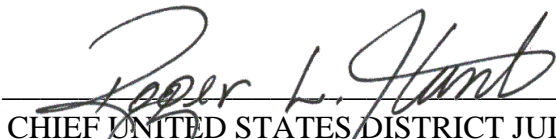
9 DANIEL G. BOGDEN
10 United States Attorney

11 /s/ CARLOS A. GONZALEZ
12 CARLOS A. GONZALEZ
Assistant United States
Attorney

13 OF COUNSEL:

14 David L. Peters, Esq.
15 Dept. of Homeland Security
16
17

18 IT IS SO ORDERED:

19 
20 CHIEF UNITED STATES DISTRICT JUDGE
21 DATE: February 28, 2007
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